

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA, and )  
THE OSAGE MINERALS COUNCIL, )

Plaintiffs, )

vs. )

Case No. 14-CV-704-GKF-JFJ

OSAGE WIND, LLC; )  
ENEL KANSAS, LLC; and )  
ENEL GREEN POWER NORTH )  
AMERICA, INC., )

Defendants. )

**DEFENDANTS' MOTION FOR PARTIAL SUMMARY  
JUDGMENT AND OPENING BRIEF IN SUPPORT**

**EXHIBIT 2**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF OKLAHOMA  
3  
4                   UNITED STATES OF AMERICA,  
5  
6                   Plaintiff,  
7  
8                   and  
9                   OSAGE MINERALS COUNCIL,  
10                  Intervenor-Plaintiff,  
11                 vs   No. 14-CV-704-GKF-JFJ  
12                 OSAGE WIND, LLC,  
13                 ENEL KANSAS, LLC;  
14                 and ENEL GREEN POWER  
15                 NORTH AMERICA, INC.,  
16                 Defendants.

17                 VIDEOTAPED DEPOSITION OF STEVEN HAZEL  
18                 Taken on Behalf of the Defendants  
19                 On April 29, 2021, beginning at 10:05 a.m.  
20                 All Parties Appearing Via Webconference

21   APPEARANCES  
22                 Appearing on behalf of the PLAINTIFF:  
23                 Stuart Ashworth  
24                 Cathryn McClanahan  
25                 UNITED STATES ATTORNEY'S OFFICE  
                  NORTHERN DISTRICT OF OKLAHOMA  
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                  stuart.ashworth@sol.doi.gov  
                  and  
                  Charles R. Babst, Jr.  
                  UNITED STATES DEPARTMENT OF THE INTERIOR  
                  OFFICE OF THE SOLICITOR  
                  7906 East 33rd Street  
                  Tulsa, Oklahoma 74145  
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                  charles.babst@sol.doi.gov

26                   Appearances Continued on Next Page  
27                 VIDEOTAPED BY:   STESHA SNOW  
28                 REPORTED BY:   MARY K. BECKHAM, CSR, RPR

1 MR. ASHWORTH: Object to the form.

2 A I'd have to look at the language, but  
3 again, that gets to be, you know, somewhat of a  
4 legal conclusion, too, about what rights they have  
5 given up, but I would have to look at the lease to  
6 try to determine that.

7 Q (By Mr. Ray) Have you, in fact, looked at  
8 the leases in this case?

9 A I have.

10 (Exhibit 28 marked for identification.)

11 Q (By Mr. Ray) All right. Let's pull one  
12 of them up, Exhibit 28, if we could. You used the  
13 lease of Carolyn Cane Snively and James Snively as  
14 your exemplar, right?

15 A I mean, again, I wouldn't look at it that  
16 way. We found them to be very similar in all  
17 capacities, so we just used one as a starting point.

18 Q All right. But they all were  
19 substantively similar based on you and your staff's  
20 review, correct?

21 A Correct.

22 Q All right. So let's take a look then,  
23 sir, if we could, at paragraph 2 on page 2.

24 A So the development period rent; is that  
25 where you're at?